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# **REMARKS**

Claims 1 through 6 and 8 through 18 are presented for consideration upon entry of the instant amendment which is respectfully requested.

The Office Action rejects claims 1, 2, and 8 through 18 under 35 U.S.C. §102(b) over U.S. Patent No. 5,154,659 to Gluckin ("Gluckin"). The Office Action rejects claims 3 through 5 under 35 USC §103(a) as being unpatentable over Gluckin.

Applicants respectfully traverse these rejections.

Independent claim 1 provides that the support layer or the intermediate layer has a design or pattern thereon that is visible through the transparent layer. Support for this feature may be found on page 7, lines 5 through 8 of the application.

Gluckin provides a fabric that is a non-plastic content fabric of "cotton" or "tricot". (col. 3, lines 18-19). Gluckin further provides for a second blank "be[ing] of stretchable body cloth which could be polyester lace, shadow cloth, cotton or the like". (col. 3, lines 40-43).

The Office Action asserts that open work or net fabric can be seen through and is therefore transparent or translucent with lace being defined as fine netting or open work fabric. The Office Action further provides that Gluckin uses lace, which is translucent and transparent. Although any open work of the polyester lace, shadow cloth, and cotton material as provided by Gluckin may be seen through, the portions of the polyester lace, shadow cloth, and cotton that are not open may not be seen through.

Therefore, a support layer or an intermediate layer that has a design or pattern thereon that is visible through a transparent layer as recited by claim 1 is not disclosed or suggested by Gluckin.

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Claims 2 through 6 and 8 depend from claim 1, and, thus, are also not disclosed or suggested by Gluckin.

In addition, claim 8 further provides that the support layer is shaped to essentially extend under a wearer's breasts and along a lower and side breast profile when the undergarment is worn.

Gluckin provides "one cutout 90, in prepared blank 86, is destined to serve as a frame or encircling support for the right side breast cup 106." (col. 3, lines 34-36). In addition, as clearly shown in Figure 10, the second blank covers the one cutout designated by reference numeral 90. Therefore, neither the prepared blank or the second blank are shaped to essentially extend under a wearer's breasts and along a lower and side breast profile when the undergarment is worn, as recited by claim 8. Thus, Gluckin fails to disclose or suggest all of the features of claim 8.

Independent claim 9 provides that the seamless support layer or the adhesive or fusing layer has a design or pattern thereon that is visible through the seamless transparent layer. Support for this feature may be found on page 7, lines 5 through 8 of the application.

Again, Gluckin provides a fabric that is a non-plastic content fabric of "cotton" or "tricot". (col. 3, lines 18-19). Gluckin further provides for a second blank "be[ing] of stretchable body cloth which could be polyester lace, shadow cloth, cotton or the like". (col. 3, lines 40-43).

As discussed above, the Office Action asserts that open work or net fabric can be seen through and is therefore transparent or translucent with lace being defined as fine netting or open work fabric. The Office Action further provides that Gluckin uses lace, which is translucent and transparent. Although any open work of the polyester lace, shadow cloth, and cotton material as provided by Gluckin may be seen through, the portions of the polyester lace, shadow cloth, and cotton that are not open may not be

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seen through.

Therefore, Gluckin fails to disclose or suggest a seamless support layer or a adhesive or fusing layer that has a design or pattern thereon that is visible through a seamless transparent layer.

Claims 10 through 13 depend from claim 9, and, thus, are also not disclosed or suggested by Gluckin.

In addition, claim 10 further provides that the undergarment is a brassiere.

Gluckin provides for a center seam, as seen in Fig. 2. (col. 3, line 4). Gluckin further provides "each of the brassiere side panels 70 and 72 is identically constructed". Therefore, Gluckin provides two non-plastic content fabric layers, two heat sensitive polyester plastic-fill layers, and two second blanks connected by the center seam, rather than a brassiere having a seamless transparent layer and a seamless support layer as recited by claim 10.

Therefore, a brassiere having a seamless transparent layer and a seamless support layer as recited by claim 10 are not disclosed or suggested by Gluckin.

Furthermore, claim 13 provides that the support layer is shaped to extend under a wearer's breasts along the lower and side breast profile to substantially support the breasts when the undergarment is worn.

Again, Gluckin provides "one cutout 90, in prepared blank 86, is destined to serve as a frame or encircling support for the right side breast cup 106." (col. 3, lines 34-36). In addition, as clearly shown in Figure 10, the second blank covers the one cutout designated by reference numeral 90. Therefore, neither the prepared blank or the second blank are shaped to extend under a wearer's breasts along the lower and side breast profile to substantially support the breasts when the undergarment is worn,

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as recited by claim 13. Thus, Gluckin fails to disclose or suggest all of the features of claim 13.

Independent claim 14 provides that the support layer or the adhesive layer has a design or pattern thereon that is visible through the transparent layer.

Again, Gluckin provides a fabric that is a non-plastic content fabric of "cotton" or "tricot". (col. 3, lines 18-19). Gluckin further provides for a second blank "be[ing] of stretchable body cloth which could be polyester lace, shadow cloth, cotton or the like". (col. 3, lines 40-43).

As discussed above, the Office Action asserts that open work or net fabric can be seen through and is therefore transparent or translucent with lace being defined as fine netting or open work fabric. The Office Action further provides that Gluckin uses lace, which is translucent and transparent. Although any open work of the polyester lace, shadow cloth, and cotton material as provided by Gluckin may be seen through, the portions of the polyester lace, shadow cloth, and cotton that are not open may not be seen through.

Therefore, a support layer or an adhesive layer that has a design or pattern thereon that is visible through the transparent layer as recited by claim 14 is not disclosed or suggested by Gluckin.

Claims 15 through 18 depend from claim 14, and, thus, are also not disclosed or suggested by Gluckin.

In addition, claim 18 provides that the support layer is shaped so that when the undergarment is worn, the support layer essentially extends under a wearer's breasts and along the lower and side breast profile.

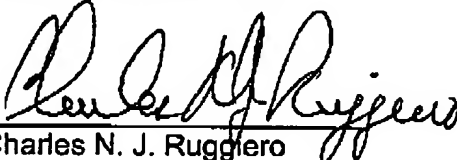
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Gluckin provides "one cutout 90, in prepared blank 86, is destined to serve as a frame or encircling support for the right side breast cup 106." (col. 3, lines 34-36). In addition, as clearly shown in Figure 10, the second blank covers the one cutout designated by reference numeral 90. Therefore, neither the prepared blank or the second blank are shaped so that when the undergarment is worn, the support layer essentially extends under a wearer's breasts and along the lower and side breast profile, as recited by claim 18. Thus, Gluckin fails to disclose or suggest all of the features of claim 18.

Accordingly, Applicants respectfully request favorable reconsideration and withdrawal of the rejections of these claims.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited. In the alternative, it is believed that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment are respectfully requested.

Respectfully submitted,

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